

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

DAINA PACE,

Plaintiff,

v.

TARGET CORPORATION,

Defendant.

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CIVIL ACTION NO.:

**JURY TRIAL DEMANDED**

**PLAINTIFF'S ORIGINAL COMPLAINT**

Plaintiff DAINA PACE files this Complaint against Defendant TARGET CORPORATION alleging as follows:

**THE PARTIES**

1. At all relevant times hereinafter mentioned, Plaintiff DAINA PACE is a resident of the State of New York residing at 152 E. 35th Street, Apt. 5A, New York, New York 10016.

2. Upon information and belief, Defendant TARGET CORPORATION. (hereinafter "Target") is a Minnesota corporation duly registered with the Secretary of State with a principal place of business located at 1000 Nicollet Mall, Minneapolis, MN 55403.

**JURISDICTION AND VENUE**

3. This Court has subject matter jurisdiction over this matter pursuant to 28 U.S.C. 1331 in accordance with 15 U.S.C 1121 and 28 U.S.C. 1367 because the action involves related claims under New York Statutes and Common Law.

4. Federal diversity jurisdiction exists pursuant to 28 U.S.C. § 1332 because the Plaintiff is domiciled in New York and the Defendant is a Minnesota corporation with its

principal place of business in New York, and because the amount in controversy exceeds \$75,000.00.

5. For these reasons, personal and diversity jurisdiction exist and venue is proper in this Court under 28 U.S.C. §§ 1391(b) and (c) and 28 U.S.C. § 1400(b).

### **BACKGROUND**

6. On May 25, 2018, Plaintiff was severely injured inside Target store #3229 located at 255 Greenwich Street, New York, NY 10007.

7. Upon information and belief, at approximately 3:30pm, Plaintiff was browsing through the clothing section of the store and subsequently tripped over a mannequin base that was sticking out in the middle of the clothing section floor.

8. This mannequin base included, but is not limited to two long rectangle metal planks that were approximately one inch thick.

9. Plaintiff landed on a metal bar following the trip over the mannequin base.

10. The mannequin base and accompanying metal bars were placed carelessly on the clothing section floor by the Defendant which caused Plaintiff's injuries.

11. As a result of this incident, Plaintiff has suffered significant injuries to her shin, neck, chin, teeth and left arm and suffered from numerous lacerations and extensive bleeding.

12. Plaintiff is required to attend ongoing medical, physical therapy and chiropractor treatments for her injuries, some of which are permanent in nature and will cause significant scarring.

**FIRST CAUSE OF ACTION**

**(Negligence)**

**13.** Plaintiff repeats and realleges each and every allegation contained in the above paragraphs as if fully set forth at length herein.

**14.** At all relevant times herein, Defendant was responsible for the care and maintenance of the mannequin base and the dangerous conditions in the store located at 255 Greenwich Street, New York, NY 10007.

**15.** At the time and place mentioned above, the Defendant owed the Plaintiff a duty to provide a standard of care that would ensure the safety of the Plaintiff and other customers while in Defendant's store. Specifically, Defendant had a duty to take reasonable steps to insure that the clothing section surrounding the mannequin base was reasonably clear and safe to traverse. By negligently failing to ensure a safe passage for the Plaintiff to browse the clothing section, the Defendant breached its duty of care.

**16.** As the direct and proximate cause of the Defendant's negligence as stated above, the Plaintiff has suffered severe physical injury.

**17.** Plaintiff has incurred, and may continue to incur, substantial medical expenses for medical care and attention and may continue to incur said expense for medical care and attention into the foreseeable future.

**18.** Plaintiff has been unable to work since the time of the injury.

**19.** In addition, Plaintiff has suffered economic injury and will likely continue to suffer such economic injury.

**20.** Due to the negligence of the Defendant, Plaintiff was injured in an amount to be determined at trial but not less than Two Hundred Fifty Thousand Dollars (\$250,000.00).

**JURY DEMAND**

Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff requests the following relief:

- (a) For damages in the amount of \$250,000.00;
- (b) For prejudgment interest at the maximum rate allowed by law;
- (c) For costs of suit incurred herein, including reasonable attorneys' fees;
- (d) And for such other and further relief as this court deems just and proper.

Dated: New York, New York  
January 24, 2019

KOERNER & ASSOCIATES, LLC

/s/ Gregory O. Koerner  
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